



Presentation for HRPDC Regional Environmental Committee
July 2, 2020



- Founded in 2003 in response to APM Terminals port complex
- Mitigation and land conservation programs

- Lobbied for initial mitigation funding
- Education and restoration programs



Shared mission: to restore the Elizabeth River to the highest practical level of environmental quality through government, business and community partnerships

PROBLEM:

Elizabeth River's bottom contains some of the highest concentrations of toxic pollutants in the country.

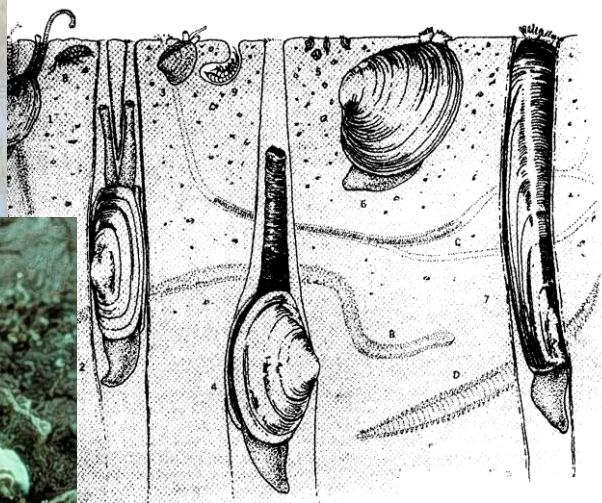
- Oyster harvesting banned since 1920's
- Fish become deformed, mutate, and suffer from cancer and blindness.



SOLUTION:

Establish In-Lieu Fee (ILF) program to remove or cap pollutants to allow for a healthy bottom community

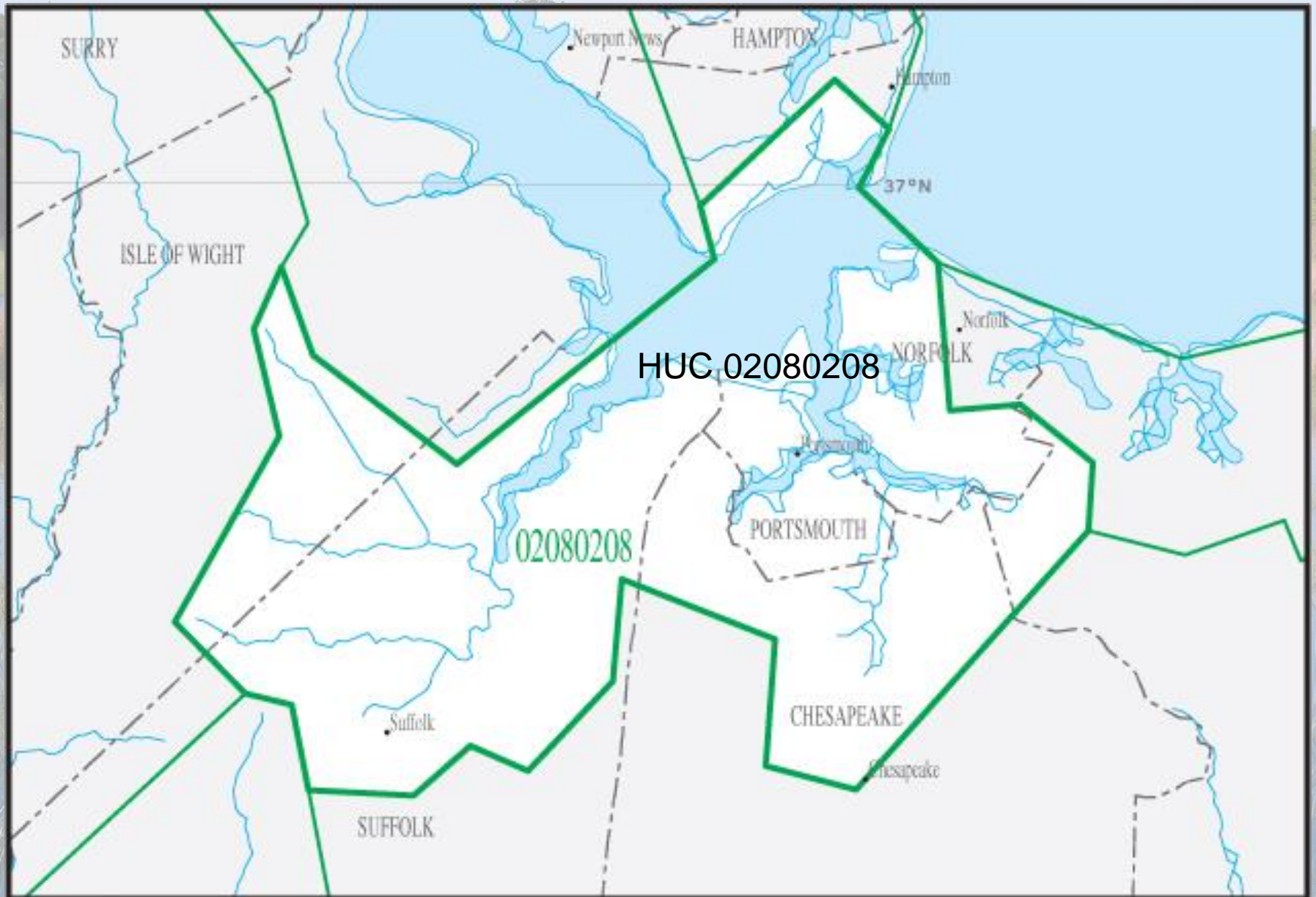
A healthy bottom community = a healthy waterway.



Clean Water Act and Rivers and Harbors Act

- Section 404 of CWA and Section 10 of RHA protect aquatic resource functions and values from impacts
- **Avoid** adverse impacts, **minimize** their impacts, and finally, provide **compensatory mitigation**
- LRT provides **compensatory mitigation** for subaqueous impacts through a In-Lieu Fee (ILF) program
 - Established in 2004 as first such ILF program in USA
 - Permittee provides funds to LRT
 - LRT collects funds from multiple permittees to pool resources necessary to plan for, build, and maintain mitigation site
- Wetland and oyster restoration are futile without cleaning the river bottom

LRT Service Area



First Project:
Money Point,
Chesapeake, VA

Impacts from loss of
healthy river bottom at
new APM Terminal
were mitigated by
cleaning up
contaminated river
bottom at Money Point.

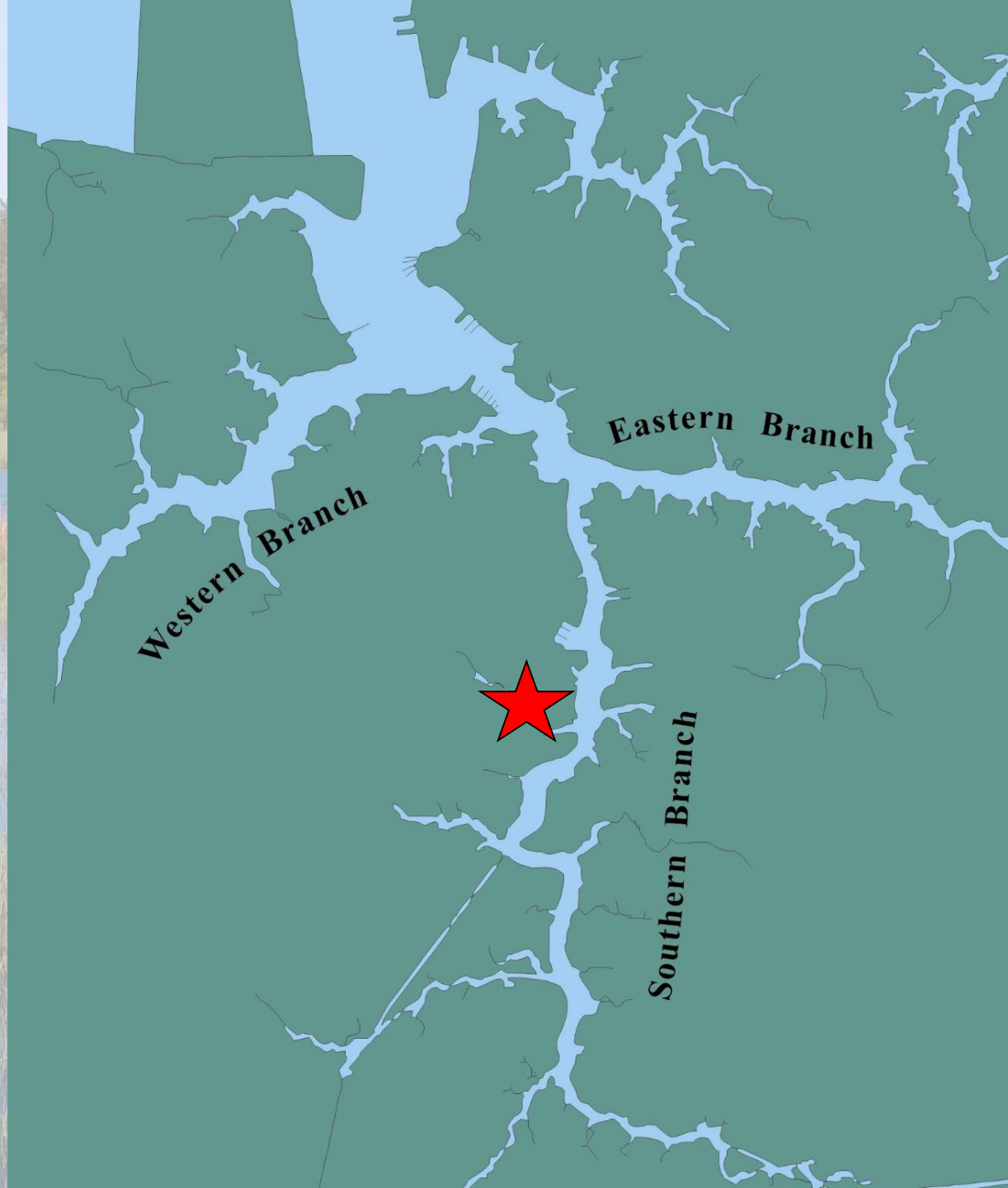


\$5m clean up project at Money Point completed in 2010



Second Project:
Paradise Creek,
Portsmouth, VA

LRT has finalized
project clean-up plan
and issued “advance
credits” to sell to
permittees.



PCBs are the primary
chemicals of concern
(1-2' depth)

Legend

- 0.10 Sample Locations Annotated
with PCB Concentration

Navigation Area Feature

- Federal Navigation
Channel Limits

PCB (PPM) 1' - 2'

- 0 - 0.022
0.023 - 0.179
0.18 - 0.359
> 0.359

PCB ERL = 0.023 ppm

PCB ERM = 0.18 ppm

BDL = BELOW DETECTION LIMIT



0 400 800 Feet

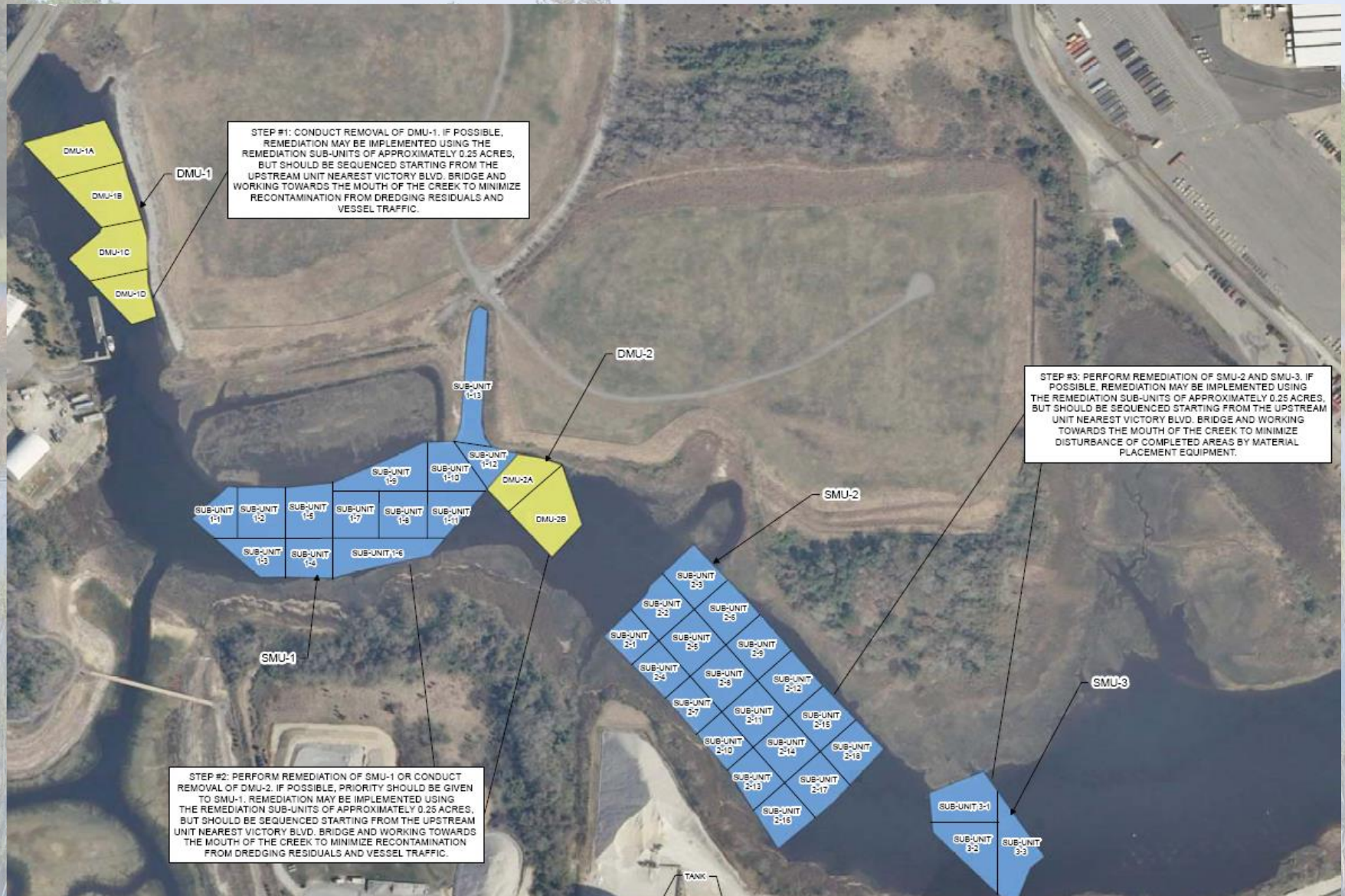
NOTES

1. Image dated: 2005
(source: USGS High Resolution Ortho
County Mosaic)
2. Horizontal Datum in Virginia State Plane,
South Zone, U.S. Survey Feet (NAD83)
3. Vibracore Sampling was completed
in November 2008

PARADISE CREEK
PCB
(1 TO 2-FOOT)

FIGURE PC-3

Paradise Creek Clean-Up Plan



Land Conservation

PROBLEM:

Elizabeth River's watershed is about 90% developed.
No other local organizations filling the need.

SOLUTION:

Prioritize and conserve some of the last open spaces in the watershed for recreation, water quality, wildlife habitat, and scenic, cultural, and historic values.

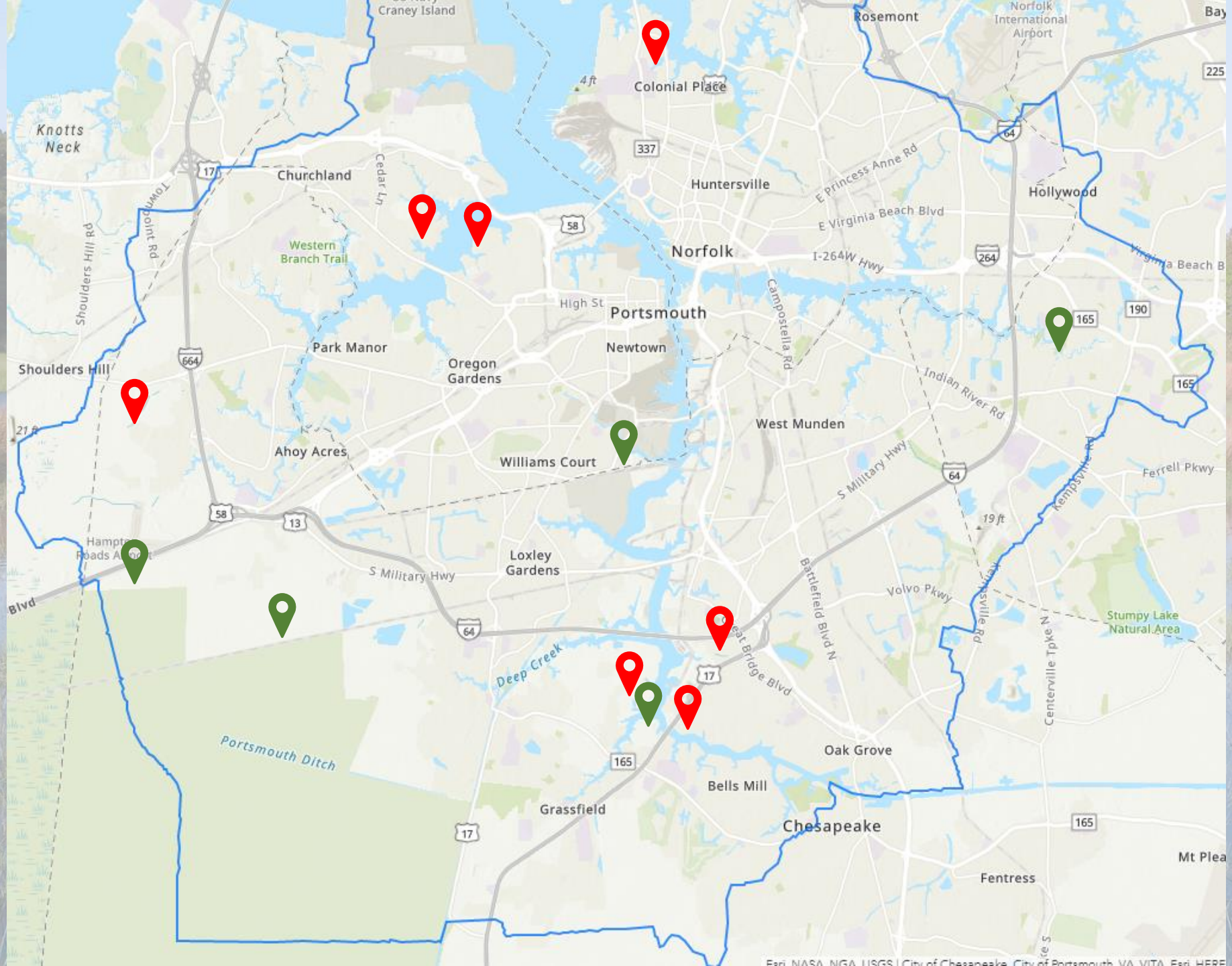
Over 1,100 acres conserved so far!

Land Conservation

- LRT adopted a second program area – serving as a local land trust – in 2010.
- Land trusts work with property owners to protect open spaces, wildlife habitat, working agriculture lands, wetlands, and other important places.
- LRT is the only local land trust to serve Hampton Roads with focus on smaller, urban parcels
 - Virginia Outdoors Foundation – 100+ acre parcels
 - The Nature Conservancy – owns large swaths of land along North Landing River in southern Virginia Beach
 - Ducks Unlimited – waterfowl habitat

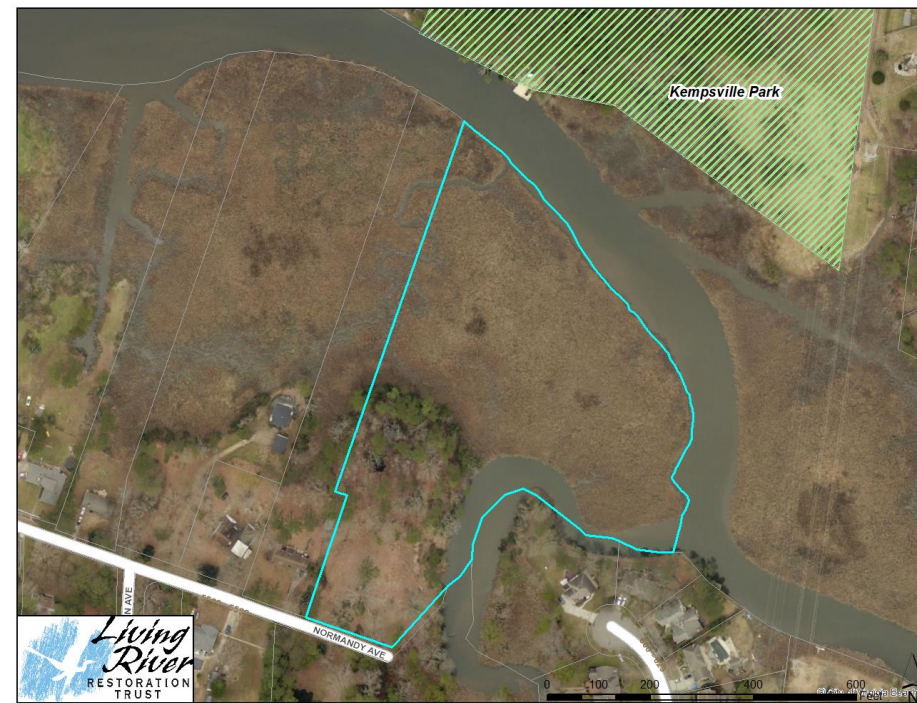
Tools of Land Conservation

- Sound land use planning
 - LRT supports localities in developing new plans to ensure “green” infrastructure is accommodated
- Conservation Easements
 - Property is protected forever as open space through deed of conservation easement, part of property record
 - Limited uses remain on property that are consistent with conservation values of the property
 - Federal and state tax benefits provided to non-cash charitable donation
- Purchase lands (bargain sale or market value)
 - Reserved for sites with exceptional conservation value or high importance to community
 - LRT will own and hold the property or transfer to willing partner (e.g., city, state, or federal government)
 - Purchase funds typically come from a variety of grants, donations, and mitigation settlements



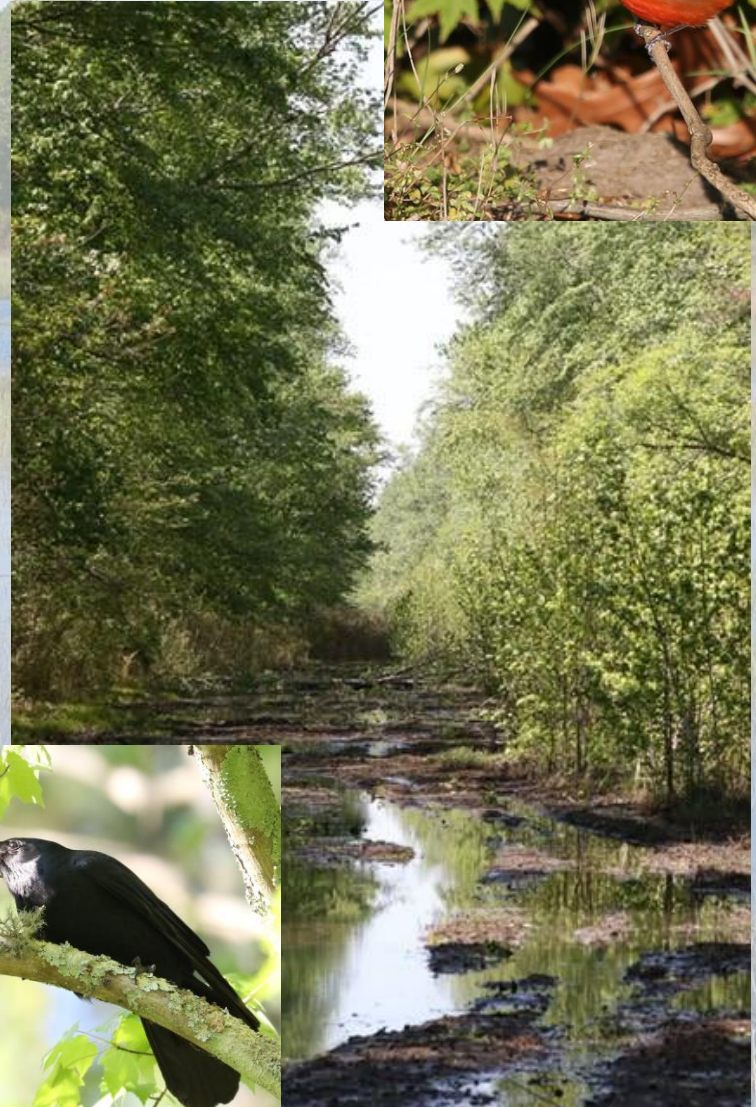
Ferry Point Park

- 9 acres of woodlands, tidal wetlands, and shoreline along Eastern Branch of Elizabeth River
- Purchased by Living River Trust in 2017 for \$265,000
 - Virginia Land Conservation Foundation - \$141,525
 - VOF - \$55,000
 - City of Virginia Beach - \$73,475
- LRT donated a conservation easement to VOF in 2017 to protect land
- LRT transferred to VB in late 2017



Great Dismal Swamp

- 494 acres of forest and wetlands, once slated for massive industrial park
- Purchased by LRT on April 10 for \$470,000
 - Funds from ACP mitigation of impacts to easement property
- Donated to Great Dismal Swamp NWF – potential site of new visitor center in Sunray community
- [Drone video](#)



Conservation Planning

- NFWF funded project to evaluate and prioritize 29 properties along Eastern and Southern Branch of Elizabeth River for long-term conservation
 - Using natural, community, and cultural resources, risk and adaptation, and ConserveVirginia metrics to score properties
 - Result in a corridor plan to wildlife, notably the American Black Duck, along both branches of the River.

Pilot Projects with Wetlands Watch

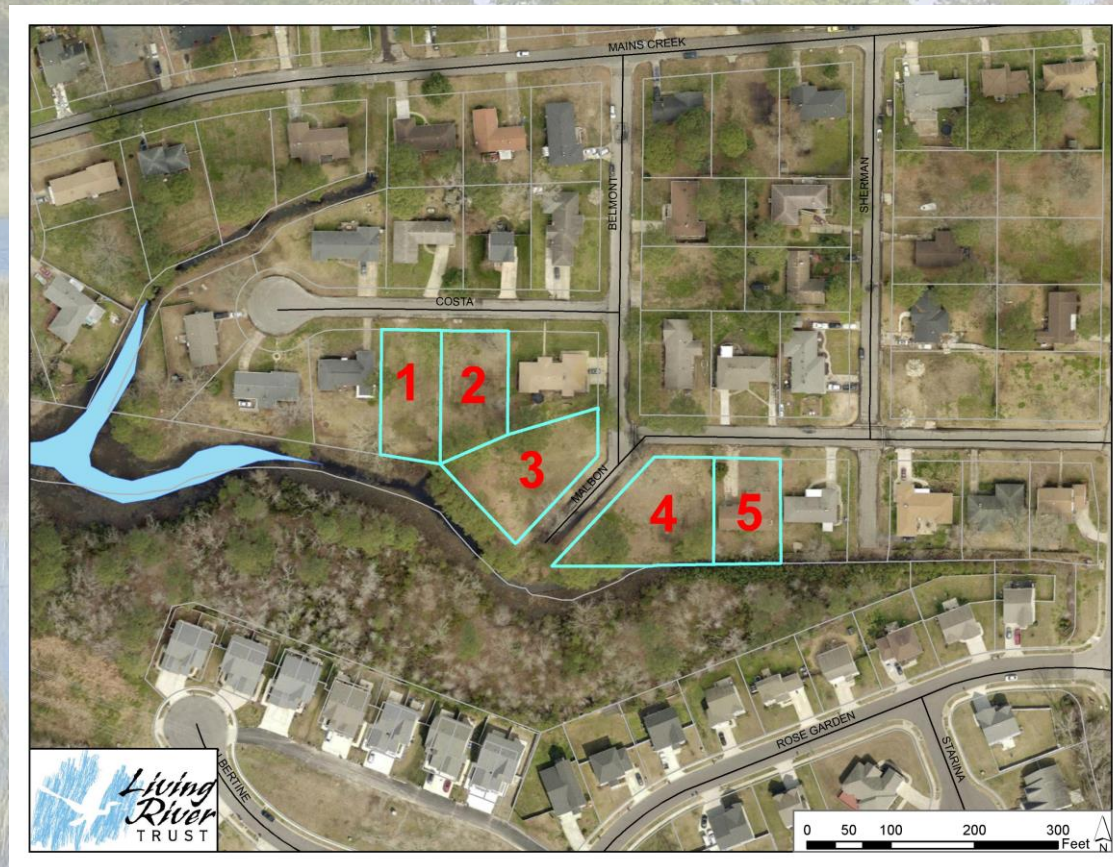
Land conservation meets managed retreat

- Goal: How to convert frequently flooded residential parcels to conserved open space, restore natural features & mitigate flooding through adaptive land management strategies

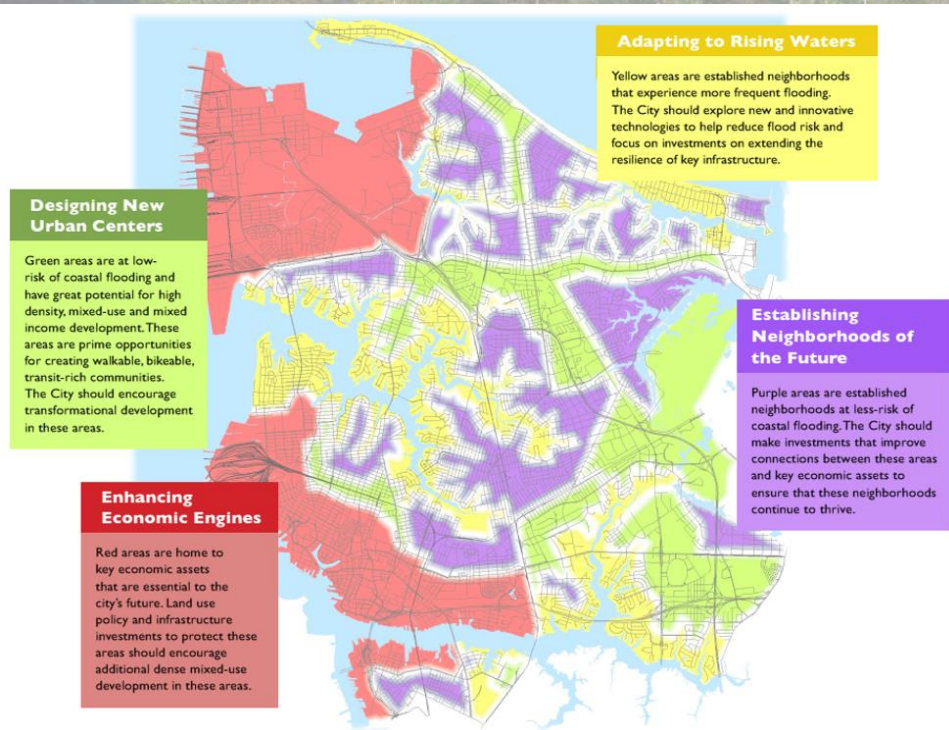


Pilot Projects with Wetlands Watch

- Chesapeake's acquisition & open space program, funded through FEMA's hazard mitigation grants
- Feasibility of a property transfer of FEMA funded open space properties from City to land trust for restoration and ownership



Pilot Projects with Wetlands Watch



- Norfolk's resilient zoning ordinance that disincentivizes development in areas of current & future flood risk by offering resilient points for development rights removal
- Assessment of how to incentivize and implement the extinguishment of development rights program in the City's zoning ordinance, using rolling easements



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